

FOX ROTHSCHILD LLP

Formed in the Commonwealth of Pennsylvania

By: Wayne E. Pinkstone, Esq.

John C. Atkin, Esq.

Princeton Pike Corporate Center

997 Lenox Drive

Lawrenceville, NJ 08648-2311

Tel: (609) 896-3600

Fax: (609) 896-1469

wpinkstone@foxrothschild.com

Attorneys for Defendants Westlake

Master Association Inc., and Bobbie Rivere,

Dennis Lafer, Richard E. Fontana, Marie

Miller, James P. Garrett, David J. Whelan,

Michael W. Yudkin, Diane E. O'Connor,

and Peter J. Martinasco

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PHILIP LEFKOWITZ, ET AL.,

Plaintiffs,

v.

WESTLAKE MASTER ASSOCIATION,
INC. ET AL.,

Defendants.

Civil Action No. 3:18-cv-14862-AET-TJB

[PROPOSED] ORDER

THIS MATTER having been opened to the Court by Wayne E. Pinkstone, Esq., on behalf of Defendants Westlake Master Association Inc., Bobbie Rivere, Dennis Lafer, Richard E. Fontana, Marie Miller, James P. Garrett, David J. Whelan, Michael W. Yudkin, Diane E. O'Connor, and Peter J. Martinasco ("Defendants"), for entry of an Order dismissing Counts I, II, III, V, and VI of the Complaint filed by Plaintiff Rabbi Philip Lefkowitz, Levi Lefkowitz, and Moshe Lefkowitz (collectively "Plaintiffs") [ECF No. 1], insofar as those Counts relate to Defendants' alleged refusal to construct a path and Sabbath-accessible gate, pursuant to Federal

Rule of Civil Procedure 12(b)(6) (“Motion”); it appearing that Plaintiffs, through their counsel, Gregory J. Bevelock, Esq., oppose the Motion; the Court having considered the parties’ written submissions in connection with the motion pursuant to Federal Rule of Civil Procedure 78, and for good cause shown,

IT IS on this _____ day of _____, 2018,

ORDERED that Defendant’s Motion to Dismiss [ECF No. 8] is GRANTED;

AND IT IS FURTHER ORDERED that Count I of the Complaint, to the extent it alleges Defendants violated the Fair Housing Act (“FHA”), 42 U.S.C.A. § 3604, by refusing to build a path and gate, is DISMISSED WITH PREJUDICE;

AND IT IS FURTHER ORDERED that Count II of the Complaint, to the extent it alleges Defendants violated the Fair Housing Act (“FHA”), 42 U.S.C.A. § 3617, by refusing to build a path and gate, is DISMISSED WITH PREJUDICE;

AND IT IS FURTHER ORDERED that Count III of the Complaint, to the extent it alleges Defendants violated the New Jersey Law Against Discrimination (“NJLAD”), N.J.S.A. 10:5-4, *et seq.*, by refusing to build a path and gate, is DISMISSED WITH PREJUDICE;

AND IT IS FURTHER ORDERED that Count V of the Complaint, to the extent it alleges Defendants violated the Planned Real Estate Development Full Disclosure Act (“PREDFDA”), N.J.S.A. 45:22A-21, *et seq.*, by refusing to build a path and gate, is DISMISSED WITH PREJUDICE; and

IT IS FURTHER ORDERED that Count VI of the Complaint, to the extent it alleges Defendants Bobbie Rivere, Dennis Lafer, Richard E. Fontana, Marie Miller, James P. Garrett, David J. Whelan, Michael W. Yudkin, Diane E. O’Connor, and Peter J. Martinasco aided and

abetted violations of the FHA and NJLAD, by refusing to build a path and gate, is DISMISSED
WITH PREJUDICE.

By: _____
The Honorable Anne E. Thompson
United States District Judge

- ☐ Opposed
- ☐ Unopposed